

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CRIMINAL CASE NO. 2:14-cr-16-MR

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	
)	<u>ORDER VACATING</u>
vs.)	<u>ORDER DISMISSING</u>
)	<u>APPEAL AND</u>
)	<u>DISSOLVING STAY</u>
WALTER HENRY STANCIL,)	
)	
Appellant.)	
_____)	

THIS MATTER is once again before the Court.

On November 18, 2014, the Court entered an Order dismissing this appeal and dissolving the stay of execution of the Appellant's sentence. [Doc. 5]. The Court took such action because, upon examining the Docket for this appellate matter – case number 2:14-cr-16-MR – the Court observed that Appellant had not filed his appellate brief or any other document. Later in the day on November 18, 2014, the Court became aware that Appellant had filed a motion to extend the time within which to submit his opening brief but had filed such motion ***on the wrong Docket*** (case number 2:14-po-2-DLH, document number 14). Even later in the day

on November 18, 2014, Appellant filed a “Consent Motion for Reconsideration of Prior Consent Motion for Extension of Time to File Brief on Appeal.” [Doc. 6]. In his Reconsideration Motion, Appellant asks the Court to reconsider granting Appellant’s prior motion, the motion filed on the wrong Docket. The Court, however, never denied Appellant’s prior motion. As stated above, Appellant’s prior motion was filed in the Petty Offense matter and, therefore, was never before the Court for disposition. Nevertheless, the Court is cognizant of what the parties wish to accomplish and will extend the briefing periods accordingly.

IT IS, THEREFORE, ORDERED that the Court’s previous Order Dismissing Appeal and Dissolving Stay entered November 18, 2014, on this Docket [Doc. 5], is hereby **VACATED**.

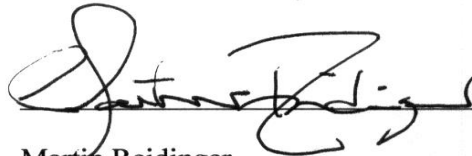
IT IS FURTHER ORDERED that the Clerk is directed to file on this Docket a copy of the Appellant’s “Consent Motion for Extension of Time to File Brief on Appeal,” which Appellant improperly filed as Document 14 in case number 2:14-po-2-DLH.

FINALLY, IT IS ORDERED that the Appellant’s “Consent Motion for Extension of Time to File Brief on Appeal” [Doc. (to be assigned)] and “Consent Motion for Reconsideration of Prior Consent Motion for Extension of Time to File Brief on Appeal” [Doc. 6], are hereby **GRANTED**. Appellant

shall file his brief on appeal on or before December 1, 2014. The Appellee shall file its brief on or before thirty days (30) from the filing of the Appellant's brief.

IT IS SO ORDERED.

Signed: November 20, 2014


Martin Reidinger
United States District Judge

